

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STEVEN A. JONES JR.,

Plaintiff,

-against-

20 CV 8542 (PMH)

NOTICE OF MOTION

WESTCHESTER COUNTY DEPARTMENT OF
CORRECTIONS; JOSEPH K. SPANO,
COMMISSIONER OF CORRECTIONS; GEORGE
LATIMER, COUNTY EXECUTIVE OF DEPARTMENT
OF CORRECTIONS; HERBERT STODDARD,
PHYSICIAN – WELL PATH REP.,

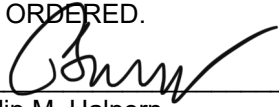
Defendants.
-----X

PLEASE TAKE NOTICE, that upon the annexed Declaration of Haylei Peart, Assistant County Attorney, and the exhibits attached thereto, the accompanying Memorandum of Law, and all prior pleadings in this action, the Defendants Westchester County s/h/a Westchester County Department of Corrections, Joseph K. Spano, and George Latimer (collectively “County Defendants”), by their attorney, John M. Nonna, Westchester County Attorney, by Haylei Peart, Assistant County Attorney, of Counsel, will move this Court before the Honorable Philip M. Halpern, United States District Judge, at the United States District Court, Southern District of New York, NY for an order dismissing the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (“FRCP”); and for such proper.

Dated: White Plains, New York
June 22, 2021

Motion denied without prejudice for failure to comply with Rules 2(C) and 4(C) of the Court's Individual Practices.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 23, 2021



Haylei P. Peart (5707047)
Assistant County Attorney

TO: STEVEN JONES
Plaintiff, *Pro Se*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STEVEN A. JONES JR.,

Plaintiff,

-against-

20 CV 8542 (PMH)

DECLARATION

WESTCHESTER COUNTY DEPARTMENT OF
CORRECTIONS; JOSEPH K. SPANO,
COMMISSIONER OF CORRECTIONS; GEORGE
LATIMER, COUNTY EXECUTIVE OF DEPARTMENT
OF CORRECTIONS; HERBERT STODDARD,
PHYSICIAN – WELL PATH REP.,

Defendants.
-----X

HAYLEI P. PEART, an attorney duly admitted to practice before the United States District Court for the Southern District of New York, declares pursuant to 28 U.S.C. §1746:

1. I am an Assistant County Attorney, of counsel to John M. Nonna, Westchester County Attorney, attorney for Westchester County s/h/a Westchester County Department of Corrections, Joseph K. Spano, and George Latimer (collectively “County Defendants”) in the above-referenced action.

2. I submit this Declaration in support of the County Defendants’ Motion to Dismiss Plaintiff’s Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

3. Annexed hereto as Exhibit “A” is a copy of Plaintiff’s Complaint in this action.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: White Plains, New York
June 22, 2021



Haylei P. Peart (5707047)
Assistant County Attorney
600 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601
(914) 995-5102

TO: STEVEN A. JONES
Plaintiff, Pro Se

V. STATEMENT OF CLAIM

Place(s) of occurrence: Westchester County Department of Corrections

Date(s) of occurrence: 3-21-20 — 4-26-20

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

During The month of March 2020 There was issued a state lockdown from the Health Emergency Protection. Westchester Department of Corrections and WellPATH failed to Provide Proper and adequate Protection from Covid-19. As A result of the inadequate and ineffective protection from Covid-19 I WAS Subjected to and exposed as well as Contracted Said Virus. As A result from the Blatant negligence and disregard of the Safety and wellbeing for plaintiff inmates as well as Staff George Latimer and Joseph Spore and The Department of Corrections as well as WellPATH failed to provide Proper PPE, Hand sanitizer, Training in Proper Cleansing of infected areas as well as proper supplies such as rags, bleach, Germicide etc. Masks were not given until approx 4-3-20 weeks into the Pandemic. Westchester County was considered the epic center outside of NYC. As a Pre Caution Joseph Spore and DOC ordered Blocks to be placed on Quarantine from the End of March 2020 - 4-20-20 during this time inmates/plaintiff was subjected to cruel and unusual punishment in the forms of loss of recreation, visitation, religious services 36hr lockdown After Being suspected of having virus

Plaintiff was moved to another housing Unit 3NE 20 cell on 4-12-20 on 4-14-20 after taking a nose Swab test for Covid-19 my Hippa Rights was violated By WellPath Rep. Herbert Stoddard in the form of revealing my results to me by screaming thru a closed cell door in front of staff and others "You have the Virus" and then slide a copy of Results under my door. During this time one use mask were not given daily but could take up to two weeks to renew. on the Quarantined Block 3NE - see attached PAGE - 1d1

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

As a result from the above actions, Plaintiff suffered from emotional distress. Contracting the deadly virus known to kill 100,000s of people and causing muscle pains, fever, Migranes Anxiety attacks mental anguish, lost of smell, and taste loss of appetite, Chest pains, dry cough, Shortness of Breath dehydration, muscle spasms and other maladies known and unknown

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

For the above damages Plaintiff is seeking money damages in the amount of \$5,000,000 as well as counseling and future medical treatment if future problems relates to said virus

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

10-5-2020
Dated
Steven A. Plaintiff's Signature
First Name Middle Initial Last Name
10 Wood Road
Prison Address
Nal-halla New York 10595
County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 10-6-2020

~~Case 7-20-cv-08542-PMH Document 20 Filed 10/10/20 Page 8 of 8~~

Attached pg. 1 of 1

3NE during Quarantined inmates were only allowed out of cell for a half hr which you was forced to choose from Shower, phone, microwave use and then back to cell. By The failure of well path and Westchester County Department of Corrections not taking proper precautions by testing staff, and officers public figures virus spread thru out jail. Wellpath representative also stopped plaintiff from reciving outside medical relief by telling plaintiff Counsel that I was fine.